UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AMEIR STEWART, AMIL STEWART and JACOB PENA,

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

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STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEY'S FEES, EXPENSES, AND COSTS

14-CV-2854 (RJD) (RML)

WHEREAS, plaintiffs Ameir Stewart, Amil Stewart, and Jacob Pena commenced this action by filing a complaint on or about May 7, 2014, alleging that defendants City of New York, Detective Brendan O'brien, Detective Clyde Moyer, Detective Matthew Reich, Sergeant Cornelius Buckley, Sergeant Matthew Fried, Detective Steven Sposito, Detective Michael Rivera, Detective Steven Marshall, Detective Vincent DiCrescento, and Lieutenant Jamie Ortiz violated their federal civil and state common law rights; and

WHEREAS, all defendants deny any and all liability arising out of plaintiffs' allegations; and

WHEREAS, plaintiffs' counsel represents that plaintiffs have assigned all of their rights to attorneys' fees, expenses, and costs to their counsel, David Thompson, Esq.; and

WHEREAS, counsel for defendants and counsel for plaintiffs now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiffs' counsel, David Thompson, Esq., the total sum of Eighty-Five Thousand ($85,000.00) Dollars in full satisfaction of plaintiffs' claims for attorneys' fees, expenses, and costs. In consideration for the payment of Eighty-Five Thousand ($85,000.00) Dollars, counsel for plaintiffs agrees to release and discharge defendants City of New York, Detective OBRIEN, Detective Moyer, Detective Reich, Sergeant Buckley, Sergeant Fried, Detective Sposito, Detective Rivera, Detective Marshall, Detective DiCrescento and Lieutenant Ortiz; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiffs hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiffs in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiffs hereto, and no oral agreement entered

into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

STECKLOW & THOMPSON
Attorneys for Plaintiffs
217 Centre Street, 6th Floor
New York, New York 10013

By: ______________________
David Thompson
Attorney for Plaintiffs

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York, OBRIEN, Moyer, Reich, Buckley, Fried, Sposito, Rivera, Marshall, DiCrescento, and Ortiz
100 Church Street, 3rd Floor
New York, New York 10007

By: ______________________
Elissa Jacobs
Senior Counsel

SO ORDERED:

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HON. RAYMOND J. DEARIE
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
______________, 2016